

1 Abby Jane Moscatel
2 CA Bar No. 276207
3 LAW OFFICE OF ABBY MOSCATEL
4 99 S Almaden Blvd Suite 600
5 San Jose CA 95113
6 Tel: (406) 318.7223
amoscatel@blacktailllaw.com

6 Michael Thad Allen
7 *pro hac vice* admission pending
8 ALLEN HARRIS PLLC
9 PO Box 404
10 Quaker Hill, CT 06357
11 Tel: (860) 772-4738
mallen@allenharrislaw.com

12 United States District Court for the District of

13 Northern California -SAN JOSE DIVISION

15 TABIA LEE,

16 Plaintiff,

17 vs.

18 THE FOOTHILL-DE ANZA
19 COMMUNITY COLLEGE DISTRICT, DE ANZA
20 COMMUNITY COLLEGE, LLOYD A. HOLMES, in his
21 official and individual capacity; PATRICK J. AHRENS,
LAURA CASAS, PEARL CHENG, PETER
LANDSBERGER, GILBERT WONG in their official
capacity; AND ALICIA CORTEZ, THOMAS RAY,
CHRISTINA ESPINOSA-PIEB, AND LYDIA HEARN
in their individual and official capacity,

24 Defendants.

Case No.: 5:23-CV-03418-SVK

**NOTICE OF RECEIPT OF PLAINTIFF'S
RIGHT TO SUE LETTER FROM THE
EEOC**

25 PLEASE TAKE NOTICE: Plaintiff hereby files notice of the attached Right to Sue Letter
26 received from the Equal Employment Opportunity Commission ("EEOC"), San Jose Local
27

28 NOTICE OF RECEIPT OF PLAINTIFF'S RIGHT TO SUE LETTER FROM THE EEOC - 1 | CASE NO. 5:23-
CV-03418-SVK HIM

1 Office, dated September 19, 2023, concerning her Charge No. 556-2023-01048. See attached
2 Exhibit A.

3 On September 19, 2023, after the parties met and conferred, Plaintiff filed a joint
4 Stipulation Extending Time to Respond to Complaint and Agreement to Filing of an Amended
5 Complaint. ECF No. 23. The stipulation provided a proposed Amended Complaint, which
6 Plaintiff sought leave to file under Fed. R. Civ. P. 15(a)(2). Id., Exhibit A. The stipulation also
7 requested an extension of time for Defendants to answer or file a responsive motion. Id.
8

9 Plaintiff appended her right to sue letter from the California Civil Rights Department to
10 the Stipulation, concerning CRD Matter No.2029-21967514. Under Ninth Circuit law, the
11 accompanying EEOC right to sue letter is not necessary to perfect Plaintiff's federal employment
12 discrimination claim, where she had already filed a disability discrimination complaint with the
13 state agency acting as an agent of the EEOC, i.e., the California Civil Rights Department, which
14 had issued a right to sue letter addressing the parallel state-law employment discrimination
15 claim. See *Scott v. Gino Morena Enters., Ltd. Liab. Co.*, 888 F.3d 1101, 1109 (9th Cir. 2018).

16 By the time of that filing, Plaintiff had not yet received a notice of right to sue from the
17 EEOC. However, on the afternoon after filing, Plaintiff did receive the right to sue letter from
18 the EEOC. In an abundance of caution, Plaintiff files this Notice that the EEOC has now issued
19 the attached right to sue letter concerning Charge No. 556-202 re-01048.
20
21
22
23
24
25
26
27

Respectfully submitted,

Date: September 20, 2023

/s/Michael Thad Allen

Michael Thad Allen
Admitted pro hac vice
ALLEN HARRIS PLLC
PO Box 404
Quaker Hill, CT 06357
Tel: (860) 772-4738
mallen@allenharrislaw.com

Abby Jane Moscatel
CA Bar No. 276207
LAW OFFICE OF ABBY MOSCATEL
99 S Almaden Blvd Suite 600
San Jose CA 95113
Tel: (406) 318.7223
amoscatel@blacktailllaw.com

For Plaintiff